

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Lance Phillip Wickner,

Civil No. 09-966 (DWF/JJK)

Plaintiff,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

Stephanie Thorson and Susan Trombley,
both sued in their official and individual
capacities,

Defendants.

Lance Phillip Wickner, *Pro Se*, Plaintiff.

John S. Garry, Assistant Attorney General, Minnesota Attorney General's Office, counsel
for Defendants Stephanie Thorson and Susan Trombley.

This matter is before the Court upon Plaintiff Lance Phillip Wickner's ("Plaintiff") objections to Magistrate Judge Jeffrey J. Keyes's Report and Recommendation dated July 28, 2010, insofar as it recommends that: (1) Defendants' Motion for Summary Judgment be granted; (2) Plaintiff's Motion for Summary Judgment be denied; (3) Plaintiff's Motion for the Appointment of Counsel be denied; and (4) this case be dismissed with prejudice. Defendants Susan Trombley and Stephanie Thorson ("Defendants") filed a Response to Plaintiff's Objections (Doc. No. [59] on August 18, 2010.

The Court has conducted a *de novo* review of the record, including a review of the arguments and submissions of counsel, pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.2(b). The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference for purposes of Plaintiff's objections.

Based upon the *de novo* review of the record and all of the arguments and submissions of the parties and the Court being otherwise duly advised in the premises, the Court hereby enters the following:

ORDER

1. Plaintiff Lance Phillips Wickner's objections (Doc. No. [58]) to Magistrate Judge Jeffrey J. Keyes's Report and Recommendation dated July 28, 2010, are **DENIED**.

2. Magistrate Judge Jeffrey J. Keyes's Report and Recommendation dated July 28, 2010 (Doc. No. [57]), is **ADOPTED**.

3. Defendants' Motion for Summary Judgment (Doc. No. [36]), is **GRANTED**.

4. Plaintiff's Motion for Summary Judgment (Doc. No. [43]), is **DENIED**.

5. Plaintiff's Motion for the Appointment of Counsel (Doc. No. [45]), is **DENIED**.

6. This action is **DISMISSED WITH PREJUDICE**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: August 23, 2010

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge